

## **REMARKS**

### **I. Introduction**

Claims 1 to 44 stand rejected. Claims 1 to 44 are presently pending. Claims 1, 21, 28, and 44 have been amended. The amendment is supported by the original disclosure. No new matter has been added.

In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

### **II. Rejection of Claims 1, 3 to 6, 8 to 12, 15, 17, 18, 20, 21, 23, 24, 26, 27, 38 to 41, and 44 Under 35 U.S.C. § 102(b)**

Claims 1, 3 to 12, 15, 17, 18, 19, 20, 21, 23, 24, 26, 27, 38 to 41, and 44 were rejected under 35 U.S.C. § 102(b) over International Patent App. Pub. No. WO 96/00950 ("Walker"). It is respectfully submitted that the Walker reference does not anticipate the present claims for at least the following reasons.

To anticipate a claim, the reference must teach every element of the claim. See MPEP 2131. The identical invention must be shown in as complete detail as is contained in the claim. See *id.* (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). It is respectfully submitted that the Bracho reference does not anticipate any of the above claims because it does not teach or suggest each and every feature of those claims.

Claim 1, as presented, recites:

- 1. A system for playing a wagering game, comprising:  
a wireless gaming device comprising an identification code identifying the wireless gaming device, entry apparatus for entering wagering information by a player, and a transmitter transmitting a signal including the player's wager information and the identification code in an encrypted form;  
a receiver receiving the signal transmitted by the transmitter of the wireless gaming device;  
a processor in communication with the receiver, the processor decrypting the encrypted wager information and identification code received by the receiver.*

The Walker reference does not disclose or even suggest **a wireless gaming device comprising an identification code identifying the wireless gaming device**. Nothing in the Walker reference discloses or suggests an identification code identifying a wireless gaming device. At most, the Walker reference may describe information related to persons or software, not wireless gaming devices themselves. In addition, the Walker reference does not

disclose, or even suggest, a **signal including the player's wager information and the identification code in an encrypted form** or a receiver receiving the signal.

For at least the forgoing reasons, it is respectfully submitted that claim 1 is patentable over the Walker reference, as are claims 2 to 20, 36, and 38 to 41, which depend from claim 1.

Claim 21, as presented, recites:

*21. A method of playing a wagering game using a wireless gaming device, comprising:*  
*providing the wireless gaming device comprising entry apparatus for entering wagering information by a player, and a transmitter, and an identification code stored on the wireless gaming device and identifying the wireless gaming device;*  
*entering the wagering information into the entry apparatus;*  
*transmitting a signal including the identification code and the wagering information in an encrypted form;*  
*receiving the transmitted signal; and*  
*decrypting the transmitted identification code and wager information.*

As explained above, the Walker reference does not disclose or suggest **an identification code stored on the wireless gaming device and identifying the wireless gaming device**, as the reference does not disclose or suggest an identification code identifying a wireless gaming device at all. Also as explained above, the Walker reference does not disclose or suggest a **signal including the identification code and the wagering information in an encrypted form**. Therefore, the reference also does not disclose or suggest transmitting or receiving such a signal.

For at least the forgoing reasons, it is respectfully submitted that claim 21 is patentable over the Walker reference, as are claims 22 to 27, which depend from claim 21.

Claim 44, as presented, recites:

*44. A method, comprising:*  
*receiving a monetary tender from a player;*  
*establishing an account having an account balance that includes the monetary tender;*  
*associating a wireless device having a stored identification code, identifying the wireless device, with the account;*  
*providing the player the wireless device;*  
*receiving the identification code and wagering information which has been entered into the wireless device by the player and wirelessly transmitted by the wireless device;*  
*registering the players wager in the database based on the received wagering information and the identification code;*  
*debiting the account balance for the value of the player's wager;*  
*determining if the player's wager wins a prize in a wagering game,*  
*and if the player wins a prize crediting the account balance;*

*receiving the wireless device from the player; and  
tendering money to the player based on the account balance.*

As explained above, the Walker reference does not disclose or suggest **an identification code, identifying the wireless device**. Therefore, the Walker reference also does not disclose or suggest associating a wireless device having a stored identification code, identifying the wireless device, with the account.

For at least the forgoing reasons, it is respectfully submitted that claim 44 is patentable over the Walker reference.

### **III. Rejection of Claims 1, 3 to 6, 8 to 13, 15, 17, 18, 20, 21, 23, 24, 26, 27, 38, 39, and 41 Under 35 U.S.C. § 102(b)**

Claims 1, 3 to 6, 8 to 13, 15, 17, 18, 20, 21, 23, 24, 26, 27, 38, 39, and 41 were rejected under 35 U.S.C. § 102(b) over International Patent App. Pub. No. WO 97/01145 (“Lupton”). It is respectfully submitted that the Lupton reference does not anticipate the present claims for at least the following reasons.

Claim 1, as presented, recites:

*1. A system for playing a wagering game, comprising:  
a wireless gaming device comprising an identification code identifying the wireless gaming device, entry apparatus for entering wagering information by a player, and a transmitter transmitting a signal including the player's wager information and the identification code in an encrypted form;  
a receiver receiving the signal transmitted by the transmitter of the wireless gaming device;  
a processor in communication with the receiver, the processor decrypting the encrypted wager information and identification code received by the receiver.*

Like the Walker reference, the Lupton reference does not disclose or even suggest a wireless gaming device **comprising an identification code identifying the wireless gaming device**. Nothing in the Lupton reference discloses or suggests an identification code identifying a wireless gaming device. The Lupton reference also does not disclose, or even suggest, a signal **including the player's wager information and the identification code in an encrypted form** or a receiver receiving the signal.

For at least the forgoing reasons, it is respectfully submitted that claim 1 is patentable over the Lupton reference, as are claims 2 to 20, 36, and 38 to 41, which depend from claim 1.

Claim 21, as presented, recites:

21. *A method of playing a wagering game using a wireless gaming device, comprising:*  
*providing the wireless gaming device comprising entry apparatus for entering wagering information by a player, and a transmitter, and an identification code stored on the wireless gaming device and identifying the wireless gaming device;*  
*entering the wagering information into the entry apparatus;*  
*transmitting a signal including the identification code and the wagering information in an encrypted form;*  
*receiving the transmitted signal; and*  
*decrypting the transmitted identification code and wager information.*

The Lupton reference does not disclose or suggest **an identification code stored on the wireless gaming device and identifying the wireless gaming device**, as the reference does not disclose or suggest an identification code identifying a wireless gaming device at all. Also as explained above, the Lupton reference does not disclose or suggest **a signal including the identification code and the wagering information in an encrypted form**. Therefore, the reference also does not disclose or suggest transmitting or receiving such a signal.

For at least the forgoing reasons, it is respectfully submitted that claim 21 is patentable over the Lupton reference, as are claims 22 to 27, which depend from claim 21.

#### **IV. Rejection of Claims 7 and 19 Under 35 U.S.C. § 103(a)**

Claims 7 and 19 were rejected under 35 U.S.C. § 103(a) over either International Patent App. Pub. No. WO 96/00950 (“Walker”) or, in the alternative, over International Patent App. Pub. No. WO 97/01145 (“Lupton”). It is respectfully submitted that claims 7 and 19 are patentable over both Walker and Lupton for at least the following reasons.

Claims 7 and 19 depend from claim 1. As explained above, neither Walker nor Lupton discloses or suggests each of the elements of claim 1. Since no reference is provided which suggests the elements of claim 1 not disclosed or suggested by the Walker and Lupton, claim 1 is patentable over the references, as are claims 7 and 19 which depend from claim 1.

#### **V. Rejection of Claims 13, 16, and 25 Under 35 U.S.C. § 103(a)**

Claims 13, 16, and 25 were rejected under 35 U.S.C. § 103(a) over International Patent App. Pub. No. WO 96/00950 (“Walker”), in view of U.S. Patent No. 5,770,533 (“Franchi”). It is respectfully submitted that claims 13, 16, and 25 are patentable over the proposed combination for at least the following reasons.

Claims 13 and 16 depend from claim 1, and claim 25 depends from claim 21. As explained above, Walker does not disclose or suggest each of the limitations of claims 1 and 21. Since it is not suggested that Franchi discloses or suggests the elements of claims 1 and 21 not disclosed or suggested by Walker, claims 1 and 21 are patentable over the proposed combination, as are claims 13, 16, and 25 which depend from claims 1 and 21.

**VI. Rejection of Claims 16 and 25 Under 35 U.S.C. § 103(a)**

Claims 16 and 25 were rejected under 35 U.S.C. § 103(a) over International Patent App. Pub. No. WO 97/01145 (“Lupton”), in view of U.S. Patent No. 5,770,533 (“Franchi”). It is respectfully submitted that claims 16 and 25 are patentable over the proposed combination for at least the following reasons.

Claim 16 depends from claim 1, and claim 25 depends from claim 21. As explained above, Lupton does not disclose or suggest each of the limitations of claims 1 and 21. Since it is not suggested that Franchi discloses or suggests the elements of claims 1 and 21 not disclosed or suggested by Lupton, claims 1 and 21 are patentable over the proposed combination, as are claims 16 and 25 which depend from claims 1 and 21.

**VII. Rejection of Claim 14 Under 35 U.S.C. § 103(a)**

Claim 14 was rejected under 35 U.S.C. § 103(a) over International Patent App. Pub. No. WO 96/00950 (“Walker”), or, alternatively, International Patent App. Pub. No. WO 97/01145 (“Lupton”), each in view of U.S. Patent No. 5,326,014 (“Pease”). It is respectfully submitted that claim 14 is patentable over both proposed combinations for at least the following reasons.

Claim 14 depends from claim 1. As explained above, neither Walker nor Lupton disclose or suggest each of the limitations of claim 1. Since it is not suggested that Pease discloses or suggests the elements of claim 1 not disclosed or suggested by Walker or Lupton, claim 1 is patentable over the proposed combinations, as is claim 14 which depends from claims 1.

**VIII. Rejection of Claims 2, 22, 28 to 34, 42, and 43 Under 35 U.S.C. § 103(a)**

Claim 14 was rejected under 35 U.S.C. § 103(a) over International Patent App. Pub. No. WO 96/00950 (“Walker”), or, alternatively, International Patent App. Pub. No. WO 97/01145 (“Lupton”), each in view of European Patent No. EP 0649102 (“Woodfield”). It is

respectfully submitted that claims 2, 22, 28 to 34, and 43 are patentable over both proposed combinations for at least the following reasons.

Claim 2 depends from claim 1, and claim 22 depends from claim 21. As explained above, neither Walker nor Lupton disclose or suggest each of the limitations of claims 1 and 21. Since it is not suggested that Woodfield discloses or suggests the elements of claims 1 and 21 not disclosed or suggested by Walker or Lupton, claims 1 and 21 are patentable over the proposed combinations, as are claims 2 and 22 which depend from claims 1 and 21.

Claim 28, as presented, recites:

*28. A wireless gaming device for transmitting wagering information to a receiver, comprising:*

*a memory storing an identification code, identifying the wireless gaming device;*

*entry apparatus receiving wagering information from a player;*

*a processor in communication with the memory and the entry apparatus, the processor receiving the wagering information from the entry apparatus and encrypting the identification code and wagering information;*

*a transmitter receiving the encrypted identification code and wagering information from the processor and converting the identification code and the wagering information into a signal for wireless transmission to the receiver, the transmitter transmitting the signal when the receiver polls the wireless gaming device to determine that the wagering information has entered.*

As explained above, neither the Walker reference nor the Lupton reference discloses or suggests **a memory storing an identification code, identifying the wireless gaming device**, since the references do not disclose or suggest an identification code identifying a wireless gaming device. Also as explained above, the Walker and Lupton references do not disclose or suggest a transmitter **receiving the encrypted identification code and wagering information from the processor and converting the identification code and the wagering information into a signal**, since nothing in the Walker or Lupton references discloses or suggests a signal including both an identification code, identifying a wireless gaming device, and wagering information. Since it is not suggested that the Woodfield reference discloses or suggests these features, it is respectfully submitted that claim 28 is patentable over the proposed combinations, as are claims 29 to 34, 42, and 43, which depend from claim 28.

#### **IX. Rejection of Claim 35 Under 35 U.S.C. § 103(a)**

Claim 35 was rejected under 35 U.S.C. § 103(a) over International Patent App. Pub. No. WO 96/00950 (“Walker”), or, alternatively, International Patent App. Pub. No. WO 97/01145 (“Lupton”), each in view of European Patent No. EP 0649102 (“Woodfield”), and

further in view of U.S. Patent No. 5,770,533 (“Franchi”). It is respectfully submitted that claim 35 is patentable over both proposed combinations for at least the following reasons.

Claim 35 depends from claim 28. As explained above, neither Walker nor Lupton disclose or suggest each of the limitations of claim 28. Since it is not suggested that Woodfield or Franchi disclose or suggest the elements of claim 28 not disclosed or suggested by Walker or Lupton, claim 28 is patentable over the proposed combinations, as is claim 35 which depends from claim 28.

**X. Rejection of Claim 36 Under 35 U.S.C. § 103(a)**

Claim 36 was rejected under 35 U.S.C. § 103(a) over International Patent App. Pub. No. WO 96/00950 (“Walker”), or, alternatively, International Patent App. Pub. No. WO 97/01145 (“Lupton”), each in view of U.S. Patent No. 5,785,592 (“Jacobsen”). It is respectfully submitted that claim 36 is patentable over both proposed combinations for at least the following reasons.

Claim 36 depends from claim 1. As explained above, neither Walker nor Lupton disclose or suggest each of the limitations of claim 1. Since it is not suggested that Jacobsen discloses or suggests the elements of claim 1 not disclosed or suggested by Walker or Lupton, claim 1 is patentable over the proposed combinations, as is claim 36 which depends from claim 1.

**XI. Rejection of Claim 37 Under 35 U.S.C. § 103(a)**

Claim 37 was rejected under 35 U.S.C. § 103(a) over International Patent App. Pub. No. WO 96/00950 (“Walker”), or, alternatively, International Patent App. Pub. No. WO 97/01145 (“Lupton”), each in view of European Patent No. EP 0649102 (“Woodfield”), and further in view of U.S. Patent No. 5,785,592 (“Jacobsen”). It is respectfully submitted that claim 37 is patentable over both proposed combinations for at least the following reasons.

Claim 37 depends from claim 28. As explained above, neither Walker nor Lupton disclose or suggest each of the limitations of claim 28. Since it is not suggested that Woodfield or Jacobsen disclose or suggest the elements of claim 28 not disclosed or suggested by Walker or Lupton, claim 28 is patentable over the proposed combinations, as is claim 37 which depends from claim 28.

### CONCLUSION

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Commissioner is authorized to charge any fee arising in connection with the filing of this paper, including any necessary extension of time, to the deposit account of **Kenyon & Kenyon LLP**, Deposit Account No. **11-0600**. The Examiner is cordially invited to telephone the undersigned if any issue or question arises with respect to the present application.

Respectfully submitted,  
KENYON & KENYON LLP

Date: June 22, 2007

By:   
Andrew L. Reibman  
Reg. No. 47,893

One Broadway  
New York, N.Y. 10004  
(212) 425-7200 (telephone)  
(212) 425-5288 (facsimile)  
**CUSTOMER NO. 26646**